



An
Bord
Pleanála

Inspector's Report ABP-309898-21.

Development	Extension to house.
Location	Well Road, Marine Parade, West End, Kilkee, Co. Clare.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	20/869.
Applicant(s)	Gerry & Audrey Cantrell.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Multiple Third Party
Appellant(s)	Oliver & Dympna Walsh. Aideen Walsh.
Observer(s)	None.
Date of Site Inspection	09/05/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located on the corner of Marine Parade and Well Road, in the West End area of the town of Kilkee in Co. Clare. Kilkee is a coastal town located on the south western coast of Co. Clare and is the gateway town to the Loop Head peninsula. Well Road is a cul-de-sac road, while Marine Parade runs along the horseshoe bay coastline, terminating at the carpark adjacent to the Diamond Rocks / Pollock Holes area of the town, and the start of the Cliff Walk.
- 1.2. Kilkee has a year-round population of approximately 1,100 people and which rises to approximately 15,000 during busy peak tourist season during the summer months. The town has a large number of holiday homes while the town centre retains its 18th and early 19th Century charm, and a large area of the town is included within an Architectural Conservation Area.
- 1.3. The prominent corner site the subject of this appeal has a stated area of 0.044 hectares and includes an existing two storey, two bed roomed house which is occupied as a holiday home. The house connects with the adjacent houses, both two storeys in height and has a stated floor area of 106m². There is no private amenity space to the rear of the house but there is a front garden which is bound by both Marine Parade to the north and Well Road to the east. Access to the site and house is via Well Road. There have been changes made in recent years to the front elevation of the building.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for permission to build an extension to existing ground floor bedroom at the North Eastern side of existing dwelling house and for planning permission for change of design of the porch previously granted under planning permission P18/504 to the South Eastern side of existing dwelling house with all necessary ancillary works, all at Well Road, Marine Parade, West End, Kilkee, Co Clare.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans, particulars and completed planning application form
 - Cover letter

- 2.3. The proposed extensions will have a total floor area of 17m² comprising a 5m² porch / veranda and a 12m² extension to the ground floor bedroom.
- 2.4. Following the submission of a response to the FI request, the extension depth was reduced from 3m to 2.5m, reducing the floor area to 12m². The applicant also advised that the works are required to accommodate his wife and to provide appropriate sanitary facilities. Photographs of the mature hedging bounding the site is also provided suggesting that that the development will be shielded from view on all boundaries.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 7 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report and an EIA.

The initial Planning Report concludes that further information is required in relation to the development in terms of the proposed ground floor extension which is considered would result in diminishing the visual amenities of the immediate surroundings of the Kilkee ACA. Revised proposals were requested wherein the proposed extension should be significantly scaled down.

Following the submission of a response to the FI request, the final planning report concludes that proposed development is acceptable. The report also notes that the current proposal differs from the previous ABP decision, including a detailed assessment of the various elements of the proposal. The report concludes that the

current proposal is acceptable and would not unduly diminish the visual amenities of the immediate surroundings or the Kilkee ACA. The Planning Officer recommends that permission be granted for the proposed development, subject to 7 conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

West Clare Municipal District EE: No objection subject to compliance with relevant roads and water conditions.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Submissions

There are 2 no. third party objections/submissions noted on the planning authority file from Ms. Aideen Walsh and Dympna & Oliver Walsh. The issues raised are summarised as follows:

- Similar proposals have been refused in the past. An Bord Pleanála was not satisfied with a number of the proposed development elements including the first-floor window and it is unfortunate that the PA saw fit to disregard the Board's judgement, granting permission for the same window at a later date.
- The depth of the proposed extension is greater than that previously refused.
- The windows are out of character with the area.
- The house is located within an ACA and the proposed development does not respect the massing, proportions and design of other houses in the terrace.
- The Architectural Heritage Protection Guidelines for Planning Authorities notes in Section 6.8.1 that the cumulative effect of minor additions can compromise the special interest of a structure and character of an ACA.
- The piecemeal development will have a detrimental effect on the character and integrity of the Victorian terrace in the ACA and protected structures in the vicinity.
- It is requested that the heritage of Kilkee be protected.

- The applicants previously subdivided their larger house in 2004 and the property was extended, which impacted adjacent homes.
- It is questioned how many times a house can be extended forward in front of a neighbour's house without due regard to it and the surrounding terrace.
- The onus should not fall on private individuals to comment on every application to ensure the Development Plan is adhered to.
- The application makes no reference to the ACA status of the area.
- The Victorian features like the bay windows, roofs, roof levels, gateways and house row line symmetry will be lost on Marine Parade, which received a conservation award from the Town in 2014.
- The West End of Kilkee is the oldest part of the town and a lot of its original features and appearances are (or were) protected due to this heritage.

Following the submission of the response to the further information request, two further submissions were made to the PA from the original third parties. The submissions are summarised as follows:

- The revised plans do not address the concerns raised in the FI request.
- The publishing of personal medical information is unfortunate, and it is considered inappropriate to comment on same.
- The need for a disability access shower is not a major building requirement and could be accommodated without interfering with the ACA through the redesigning of the existing interiors. No effort to adapt the house has been made.
- The house the subject of the application is a holiday home and was available on the rental market on the 3rd of March 2021.

4.0 Planning History

4.1.1. The following is the relevant planning history pertaining to the subject site:

PA ref: 19/312: Permission granted for alterations to the existing first floor bay windows.

PA ref: 18/504: A split decision issued granting permission for the construction of a new porch to the south east elevation facing Well Road and refusing permission for alterations to the existing first floor bay windows on the north east elevation facing Marine Parade.

ABP ref PL03.241115 (PA ref: 12/295): Permission refused following an appeal to ABP for alterations to the existing first floor bay windows and extensions. The reason for refusal was as follows:

Having regard to the zoning provisions of the development plan for the area and the design of the proposed extensions within an architectural conservation area, it is considered that the said extensions would seriously injure the visual amenities of the area, would materially and adversely affect an architectural conservation area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation to issue a split decision to grant permission for the ground floor extensions and refuse permission for the first-floor elevational changes, the Board was not satisfied that the ground floor extension to Marine Parade could be constructed in a sufficiently sensitive manner without creating a discordant relationship with the upper floor bay windows. In addition, the Board was not satisfied with the architectural design and the integration of the 'veranda' extension with the existing streetscape in this prominent corner site.

PA ref: 11/341: Permission was refused to remove two existing bay windows and to build an extension to front of existing building. The PAs reasons for refusal are summarised as follows:

1. The proposed front gable projection would negatively impact on the character of an Architectural Conservation Area (ACA)
2. The adverse impact on visual and residential amenities of the area notably neighbouring residential properties to the northwest

4.1.2. Earlier decisions associated with the subject site relate to subdivision back to two houses and change of commercial uses.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Clare County Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. Kilkee is identified as a small town in the settlement hierarchy for County Clare, in the West Clare Municipal District. Section 15.3.3 of the Plan deals with Vernacular Heritage and Section 15.3.4 deals with ACAs.
- 5.1.2. Objective CDP15.5, part A states that it is an objective of the Development Plan to ensure that new developments within or adjacent to an ACA respect the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes, and part B seeks to protect existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA, from demolition or removal and non-sympathetic alterations
- 5.1.3. Volume 3 of the CDP includes the Municipal District Written Statement and Settlement Plans, with Section 3d including the West Clare Municipal District. Kilkee is identified as one of Irelands largest tourist town and has a year-round population of approximately 1,100 people, which rises to approximately 15,000 during busy peak tourist season during the summer months. While Kilkee is a tourist town and has a large number of holiday homes, it is also identified as having a significant issue in relation to vacancy with 71% vacancy recorded on the night of the Census 2011. As such, the Plan focuses on the provision of permanent housing on residential zoned lands in the town. The subject site is located on lands zoned R2 'Existing Residential' where it is the stated objective for such zoned land 'to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow small scale infill development which is appropriate to the character and pattern of development in the immediate area, allow uses which enhance existing residential communities'.
- 5.1.4. In terms of the location of the site within the ACA, the Plan aims to safeguard the existing character of the town centre by permitting development that respects the existing built heritage of the town and ACA.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Kilkee Reefs SAC (Site Code: 002264) which is located approximately 86m to the north of the site.

The Lower River Shannon SAC (Site Code 002165), is located approximately 2.8km to the east of the site and Poulnasherry Bay pNHA (Site Code 000065) is a similar distance.

5.3. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a multiple third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The appellants are Ms. Aideen Walsh and Dymrna & Oliver Walsh. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- Impact of the development on the ACA and the Victorian Terrace of Marine Parade which was awarded a Conservation Award in 2014.
- Impact of the development on neighbours in terms of light and visual amenity.
- Planning history of the site and previous ABP refusal for similar development.
- The use of personal medical information is questioned, and no attempt has been made to facilitate the necessary accommodation within the existing building.

- The response to the FI request did not address the Planning Officers concerns.
- The house is a holiday home and there are existing ensembles adjoining the two ground floor bedrooms.
- Concerns raised in relation to the piecemeal developments at the site and the precedent a grant of permission would set within the ACA.
- The PA should not rely on objectors to protect the ACA. The Council reversed their own decision within months by previously refusing, and then granting the removal of the vernacular bay windows. This decision also reversed an ABP decision.
- The application made no reference to the ACA.
- The CDP seeks to protect ACAs noting that piecemeal developments are unwelcome and contrary to the areas' ethos, heritage and originality.

Both appeals include photographs and both request that the Board refuse permission for the development as proposed.

6.2. Applicant Response

The applicant submitted a response to the third-party appeal, which included two old photographs of the building. The response is summarised as follows:

- The proposed modest extension has been planned sympathetically to enhance the area with consideration to the ACA so there will be no adverse visual impact or compromise to the architectural character of the area.
- The appellants hedge cause the light issues.
- The appellants comments on medical requirements of the applicant raise concerns.
- The applicants have owned the house for the past 30 years and the proposals before the Board are to ensure that it is appropriate for the applicants in the future. It will be their full time home.
- The appellants will not be able to see the extension due to the hedge.

- The works to the house have been undertaken with the benefit of planning permission.

It is requested that permission be granted for the proposed development.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Planning History, Design & Visual Impact
3. Residential Amenity
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development seeks to construct a modest extension to the ground floor level of the front of the house which will extend the existing bedroom to the north eastern elevation by approximately 12m², as per the amended proposals submitted following the response to the PAs request for further information. In addition, the proposed development includes the construction of an amended design for a previously permitted porch to the south eastern elevation.
- 7.1.2. The existing house comprises a two-storey corner building which fronts onto both Marine Parade to the north and Well Road to the east. The terrace of houses along Marine Parade are included within the towns Architectural Conservation Area. Having undertaken a site inspection, I would note that the general character of this terrace has been maintained and most houses include single pitched hipped roofs to bay windows and arched door openings with fanlights. While the houses in the terrace generally comprise single storey buildings, the house immediately to the west of the subject appeal site has a lower ground floor level. A set of steps provide access to the front door which has a stone fronted porch.

7.1.3. Having regard to the location of the house in the town of Kilkee and on lands zoned for residential purposes, I have no objections to the proposal to extend an existing house in principle.

7.2. **Planning History, Design & Visual Impact**

7.2.1. The existing house on the site has been modified recently following the grant of planning permission by Clare County Council for the replacement of the 2 former bay windows at first floor level with a large single bay window in their place. I note the comments of the Conservation Officer in relation to this change under PA ref P19/312, which stated,

It appears that the two-storey, two-bay extension to this 19th century house was constructed in the mid-20th century. For this reason, I don't believe that the joining of the two single bays into one, at first floor level will significantly alter the character of the ACA.

7.2.2. The Board will note that an appeal on the same proposal under a previous application, was refused under ABP ref PL03.241115 (PA ref: 12/295), where the Board considered that:

Having regard to the zoning provisions of the development plan for the area and the design of the proposed extensions within an architectural conservation area, it is considered that the said extensions would seriously injure the visual amenities of the area, would materially and adversely affect an architectural conservation area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation to issue a split decision to grant permission for the ground floor extensions and refuse permission for the first-floor elevational changes, the Board was not satisfied that the ground floor extension to Marine Parade could be constructed in a sufficiently sensitive manner without creating a discordant relationship with the upper floor bay windows. In addition, the Board was not satisfied with the architectural design and the integration of the 'veranda' extension with the existing streetscape in this prominent corner site.

- 7.2.3. In terms of the current proposal and having regard to the location of the subject building within the ACA for the town, and notwithstanding the conclusion of the Planning Authority, I am not satisfied that the proposed, or amended proposed development adequately addresses the concerns raised in terms of impacts on the visual amenities of the area, and in particular, the Architectural Conservation Area. Without commenting on the permitted development which has taken place at the subject site, I am inclined to agree with the third parties that the piecemeal changes to this bookend corner site have the potential to significantly impact on the character of the Kilkee ACA at this location.
- 7.2.4. With regard to the proposed 'Varanda', I note that the exact design has already been determined by the Board to be inappropriate for this prominent corner site and would not integrate with the existing streetscape. I also note that there is an extant planning permission, granted under PA ref: P19/312, for a simpler porch design. I would advise that the situation in terms of the eastern elevation of the house has not altered since the previous Board decision in this regard. Given that the house comprises part of the ACA, I recommend that the Varanda as proposed be refused on the basis that this element would seriously injure the visual amenities of the area and would materially and adversely affect the architectural conservation area.
- 7.2.5. In terms of the proposed front extension, I note that the situation has changed since the previous Board decision given that the previous two bay windows at first floor level have been replaced by the single, larger, bay window. That said, I would not accept that the proposed extension satisfactorily respects, or is sensitive to, the character of the building or the wider terrace. A grant of planning permission for the extension as proposed would represent a significant visual dis-amenity and would adversely impact on the character of the ACA.
- 7.2.6. In acknowledging the applicants' requirements to provide for additional sanitary facilities, and in the context of the existing bay windows in other properties in the terrace, there may be potential to extend the first-floor bay window to the ground floor in order to achieve additional floor space while maintaining the integrity of the building and the wider terrace. Should the Board be minded to grant planning permission in this instance, I would recommend that a condition be included to restrict the shape, scale and form of the bay to reflect the simple lines and scale of the existing bay window at first floor level.

7.3. Residential Amenity

- 7.3.1. The Board will note the third-party comments with regard to the impact of the development on residential amenity. While I accept the subject house is used as a holiday home, the use is not a matter for the Board in terms of the current appeal or impact on residential amenity.
- 7.3.2. In relation to the impact of the proposed development on the light in the neighbouring property, and having regard to the existing site boundaries, I note the permitted nature of the development which has already been undertaken on the site. The first-floor bay window appears to have been constructed in accordance with the permission granted. The extension proposed as part of this appeal, is at ground floor level only and I do not consider that it is of such a scale as to give rise to additional shadow impacts or would restrict light to neighbouring property, as to warrant a refusal of planning permission.
- 7.3.3. I have addressed my concerns in terms of visual impacts above.

7.4. Other Issues

7.4.1. Water Services

I am satisfied that the proposed development does not give rise to any impacts on existing water services.

7.4.2. Roads & Traffic

I am satisfied that the proposed development does not give rise to any impacts on the existing road network.

7.4.3. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Kilkee Reefs SAC (Site Code: 002264) which is located approximately 86m to the north of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the

nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reason.

9.0 Reasons and Considerations

Having regard to the zoning provisions of the Clare County Development Plan 2017-2023 and the West Clare Municipal District plan for the area, together with the design of the proposed extensions to the house located within the Kilkee Architectural Conservation Area, it is considered that the proposed 'Varanda' is inappropriate for this prominent corner site and would not integrate with the existing streetscape. In addition, the Board is not satisfied that the proposed extension to Marine Parade satisfactorily respects, or is sensitive to, the character of the building or the existing bay window features of the wider terrace. The proposed extensions would, therefore, seriously injure the visual amenities of the area, would materially and adversely affect the architectural conservation area and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
09/05/2021